

F-8201

Ser. No. 10/816,090

REMARKS

Claims 1-3 are pending and the Examiner has rejected the claims under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-6 of Nagase (USPN 6,892,588) as modified by Yamaguchi (USPN 6,628,343). The Examiner asserts that the claims of Nagase recite each element of the pending claims except for a signal processing section wherein a resistor and capacitor function as a low pass and high pass filter, and the Examiner claims that Yamaguchi teaches such limitations.

The filing date of the present application is April 1, 2004. The filing date of Nagase is July 7, 2003. Accordingly, Applicant can overcome the rejections of the claims by filing a terminal disclaimer based on the '588 patent.

The assignee herein files, without prejudice, a terminal disclaimer in compliance with 37 CFR 1.321(b) pursuant to 37 CFR 1.78(c) in order to overcome any such double patenting rejection. The fee of \$130.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

F-8201

Ser. No. 10/816,090

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
Jordan and Hamburg LLP

By C. Bruce Hamburg
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

and,

By T. David Bomzer
T. David Bomzer
Reg. No. 48,770
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340